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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OREGON PRESCRIPTION DRUG
MONITORING PROGRAM, an agency of the
STATE OF OREGON,

Plaintiff,

v.

UNITED STATES DRUG ENFORCEMENT
ADMINISTRATION, an agency of the
UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

Case No. 3:12-cv-02023-HA

DECLARATION OF NINA ENGLANDER IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT

1. I am an Assistant Attorney General at the Oregon Department of Justice. I make this declaration from personal knowledge, based on my review of the case file and knowledge of this case.

2. On August 27, 2012, the Oregon Department of Justice, Trial Division, received the DEA's petition to enforce the January 5, 2012, administrative subpoena (Administrative Subpoena No. RF-12-237101), a memorandum in support of the petition and two supporting declarations. Attached as Exhibit A to this declaration is a copy of the first page of each of those documents, which includes a date stamp indicating the date received.

3. On September 6, 2012, PDMP complied with Judge Papak's order compelling it to produce documents in response to Administrative Subpoena No. RF-12-237101. Attached as Exhibit B to this declaration is a copy of the September 6, 2012, email from PDMP Program Coordinator Todd Beran to DEA Investigator Tyler Warner submitting the subpoenaed documents and the September 10, 2012, response from Investigator Warner confirming receipt.

4. On September 11, 2012, the DEA issued an administrative subpoena to PDMP to produce records containing protected health information of a specified individual (Administrative Subpoena No. RF-12-980963). Attached as Exhibit C to this declaration is a copy of Administrative Subpoena No. RF-12-980963 with the name of the specified individual redacted.

5. On September 17, 2012, the DEA issued an administrative subpoena to PDMP to produce a summary of all prescription drugs prescribed by two physicians (Administrative Subpoena No. RF-12-995519). Attached as Exhibit D to the declaration is a copy Administrative Subpoena No. RF-12-995519 with the names of the physicians redacted.

6. On September 21, 2012, PDMP, through its counsel, objected by letter to Administrative Subpoena No. RF-12-980963. Attached as Exhibit E to this declaration is a copy of the September 21, 2012, objection letter from Oregon Assistant Attorney General Thomas Castle to Assistant U.S. Attorney Leslie Westphal and Task Force Officer Matthew J. Chaney.

7. On September 21, 2012, PDMP, through its counsel, objected by letter to Administrative Subpoena No. RF-12-995519. Attached as Exhibit F to this declaration is a copy

of the September 21, 2012, objection letter from Oregon Assistant Attorney General Thomas Castle to Assistant U.S. Attorney Leslie Westphal and Special Agent Phil Brown.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on June 14, 2013.

s/ Nina R. Englander
NINA ENGLANDER